

Application No.: 10/525,907
After Allowance Under 37 CFR § 1.312

Docket No. 13111-00005-US

REMARKS

Applicants thank the Examiner for approving submission of this amendment and for the telephonic interview. Applicants respectfully request entry of this amendment under 37 C.F.R. § 1.312. The amendments to the specification concern merely formal matters, adding the heading and associated paragraph referencing the related applications already of record and adding a Brief Description of the Figures. Support for the brief description of Figure 1 is found in the specification at page 33, lines 33-34; for Figure 2 at page 35, lines 11-12; and for Figure 3 at page 40, lines 3-4. No new matter has been added.

The claims presented above reflect the Examiner's amendment included with the Notice of Allowance. Claim 17 has been amended to correct an obvious typographical error.

Applicants respectfully request entry of the amendment to claim 12 part a) in response to the Examiner's amendment to claim 12 in the Notice of Allowability and further to a telephonic interview where the Examiner requested that the source of the *lysC* gene be indicated. Support for the amendment to claim 12 part a) is found in original claim 12 and in Examples 3-6 and 8, where a clone with a mutant *lysC* gene is described which is derived from a coryneform bacterium. Additionally, the amendment to part a) of claim 12 is similar to the claim language of allowed claim 7 in co-pending application 10/525,674, which has now issued as U.S. Patent 7,238,502 on July 3, 2007. No new matter has been added and Applicants believe no further search or examination is required.

Additionally, claim 12 was the subject of an election of species in the restriction requirement mailed March 24, 2006. Pursuant to 37 CFR § 1.141, because a claim generic to all the claimed species has been allowed (namely, claim 1) and all the claims to species depend from an allowable generic claim (namely, claim 12 depends from claim 1), Applicants request consideration and allowance of the additional species which were recited in original claim 12. Accordingly, claim 12 has additionally been amended to include the previously deleted genes. The deletion was done at the request of the Examiner (see Office Action mailed July 14, 2006). Thus, the reason the amendments were not entered earlier was due to the Examiner's request for deletion of non-elected species. Support for amended claim 12 is additionally found in original claim 12 and in the specification at page 4, line 23 through page 5, line 12, and at page 19, line

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29 through page 21, line 20. New claims 23 and 24 correspond to former claim 12 directed to the elected species. Support for new claims 23 and 24 is found in original claim 12 and in the specification at page 4, line 30, page 20, line 3, page 21, line 1, and Examples 3-6 and 8. New claim 24 further reflects the Examiner's amendment to claim 12. No new matter has been added and Applicants believe no further search or examination is required.

If any outstanding issues remain, the Examiner is invited to telephone the undersigned at the number given below.

This amendment is requested with the payment of the issue fee and thus is deemed proper. Applicants respectfully request entry of the amendment pursuant to § 1.312.

Applicants enclose the Issue Fee transmittal and believe no further fee is due. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 13111-00005-US from which the undersigned is authorized to draw.

Respectfully submitted,

By 

Roberte M. D. Makowski

Registration No.: 55,421

CONNOLLY BOVE LODGE & HUTZ LLP

Correspondence Customer Number: 23416

1007 North Orange Street

P.O. Box 2207

Wilmington, Delaware 19899

(302) 658-9141

(302) 658-5614 (Fax)

Attorney for Applicants

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